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# A BILL FOR AN ACT

RELATING TO HOUSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that certain provisions  
2 of the State's housing law expedite the development of housing  
3 by exempting certain government projects from all planning,  
4 zoning, and construction standards. In 2006, the legislature  
5 allowed counties to approve these types of housing projects with  
6 or without modifications when it enacted Act 217. During that  
7 same session, however, Act 180 repealed the State's housing law  
8 and recodified it in chapter 201H, Hawaii Revised Statutes. As  
9 a result, the amendments in Act 217 were not included in the  
10 State's current housing law. The legislature finds that it was  
11 intended that the amendments in Act 217 be included.

12           In addition, the same provisions exempting certain  
13 government housing development projects from planning, zoning,  
14 and construction standards provide a forty-five day window for a  
15 county legislative body to approve a project, and for the land  
16 use commission to approve a land use boundary change for the  
17 project. The legislature believes that forty-five days is too  
18 short to allow meaningful discussion by these decision-making



1 bodies. A -day window will provide an expedited  
2 review while allowing county legislative bodies and the land use  
3 commission to do their due diligence.

4 The purpose of this Act is to:

5 (1) Add a definition of an "eligible project" to chapter  
6 201H, Hawaii Revised Statutes;

7 (2) Amend the provisions of the housing law that exempt  
8 certain government housing development projects from  
9 planning, zoning, and construction standards by:

10 (A) Placing the amendments in Act 217, Session Laws  
11 of Hawaii 2006, allowing county legislative  
12 bodies to approve a project with or without  
13 modifications, in the law; and

14 (B) Increasing the window for county legislative body  
15 project approvals and disapprovals and land use  
16 commission land use boundary approvals and  
17 disapprovals from forty-five days to  
18 days; and

19 (3) Repeals the definition of "eligible project" in  
20 section 210H-122, Hawaii Revised Statutes.



1 SECTION 2. Section 201H-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Eligible project" means a rental housing project that  
5 meets all of the following requirements:

- 6 (1) Makes available for its entire useful life at least  
7 per cent of its dwelling units for rent to  
8 families whose incomes do not exceed eighty per cent  
9 of the county median income;
- 10 (2) Charge rent for every rental unit that does not exceed  
11 the maximum amount set by the corporation;
- 12 (3) Has at least \_\_\_\_\_, but no more than two hundred  
13 rental units available;
- 14 (4) Is located on not more than fifteen acres of land  
15 within the county's urban growth boundary;
- 16 (5) Is not on land classified as agricultural or  
17 conservation;
- 18 (6) Is not within the geographic area covered by a habitat  
19 conservation plan or safe harbor agreement approved  
20 under part II of chapter 195;
- 21 (7) Does not include any commercial, industrial, resort,  
22 or transient accommodation unit or use;



- 1        (8) Does not exceed the structure height limit of the  
2        underlying county zoning;
- 3        (9) Is designed and constructed to have a useful life of  
4        at least thirty years;
- 5        (10) Is pledged, after its useful life, to be renovated,  
6        reconstructed, or redeveloped in perpetuity into  
7        successive eligible projects which have at least the  
8        same number of rental units as the first project and  
9        comply with paragraphs (1) to (13);
- 10       (11) Is subject to a regulatory agreement with the  
11       corporation in accordance with federal section 8  
12       housing requirements;
- 13       (12) Is developed and operated by a nonprofit entity;
- 14       (13) Is a residential dwelling development project for  
15       which planning and construction is commenced after the  
16       effective date of this Act and does not include a  
17       residential dwelling development project planned or  
18       constructed prior to the effective date of this Act;  
19       and
- 20       (14) Is dedicated to meeting the requirements of paragraphs  
21       (1) to (13)."



1 SECTION 3. Section 201H-38, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The corporation may develop on behalf of the State or  
4 with an eligible developer, or may assist under a government  
5 assistance program in the development of, housing projects that  
6 shall be exempt from all statutes, ordinances, charter  
7 provisions, and rules of any government agency relating to  
8 planning, zoning, construction standards for subdivisions,  
9 development and improvement of land, and the construction of  
10 dwelling units thereon; provided that:

11 (1) The corporation finds the housing project is  
12 consistent with the purpose and intent of this  
13 chapter, and meets minimum requirements of health and  
14 safety;

15 (2) The development of the proposed housing project does  
16 not contravene any safety standards, tariffs, or rates  
17 and fees approved by the public utilities commission  
18 for public utilities or of the various boards of water  
19 supply authorized under chapter 54;

20 (3) The legislative body of the county in which the  
21 housing project is to be situated shall have approved  
22 the project[+] with or without modifications:



1 (A) The legislative body shall approve, approve with  
2 modifications, or disapprove the project by  
3 resolution within [~~forty five~~] \_\_\_\_\_ days  
4 after the corporation has submitted the  
5 preliminary plans and specifications for the  
6 project to the legislative body. If on the  
7 [~~forty sixth~~] \_\_\_\_\_ day a project is not  
8 disapproved, it shall be deemed approved by the  
9 legislative body;

10 (B) No action shall be prosecuted or maintained  
11 against any county, its officials, or employees  
12 on account of actions taken by them in reviewing,  
13 approving, modifying, or disapproving the plans  
14 and specifications; and

15 (C) The final plans and specifications for the  
16 project shall be deemed approved by the  
17 legislative body if the final plans and  
18 specifications do not substantially deviate from  
19 the preliminary plans and specifications. The  
20 final plans and specifications for the project  
21 shall constitute the zoning, building,  
22 construction, and subdivision standards for that



1 project. For purposes of sections 501-85 and  
2 502-17, the executive director of the corporation  
3 or the responsible county official may certify  
4 maps and plans of lands connected with the  
5 project as having complied with applicable laws  
6 and ordinances relating to consolidation and  
7 subdivision of lands, and the maps and plans  
8 shall be accepted for registration or recordation  
9 by the land court and registrar; and

10 (4) The land use commission shall approve, approve with  
11 modifications, or disapprove a boundary change within  
12 [~~forty five~~] \_\_\_\_\_ days after the corporation has  
13 submitted a petition to the commission as provided in  
14 section 205-4. If on the [~~forty sixth~~] \_\_\_\_\_ day  
15 the petition is not disapproved, it shall be deemed  
16 approved by the commission."

17 SECTION 4. Section 201H-122, Hawaii Revised Statutes, is  
18 amended by deleting the definition of "eligible project".

19 [~~"Eligible project" means a rental housing project that:~~  
20 ~~(1) Is financed by the corporation pursuant to subpart B~~  
21 ~~or D, or that the corporation determines will require~~  
22 ~~rental assistance to make it financially feasible;~~



- 1       ~~(2) Is subject to a regulatory agreement with the~~
- 2           ~~corporation;~~
- 3       ~~(3) Maintains at least twenty per cent of its units for~~
- 4           ~~eligible tenants; and~~
- 5       ~~(4) Meets other qualifications as established by rules~~
- 6           ~~adopted by the corporation.~~

7       ~~Notwithstanding any provision to the contrary, "eligible~~  
8 ~~project" may also include a rental housing project that is~~  
9 ~~financed by the corporation pursuant to subpart A." ]~~

10       SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 6. This Act shall take effect on July 1, 2020.



**Report Title:**

Housing Project Approvals; County Councils; Land Use Commission

**Description:**

Amends chapter 201H, Hawaii Revised Statutes, housing development provisions to allow county councils to approve certain expedited government housing development projects with modifications, and to extend the county and land use commission approval or disapproval window for these projects from 45 to days. Adds a definition for "eligible project" in section 201H-1, Hawaii Revised Statutes. Repeals the definition of "eligible project" in section 201H-121, Hawaii Revised Statutes. (SD2)

